

ASSEMBLY BILL

No. 346

**Introduced by Assembly Member Wilk
(Coauthors: Assembly Members Lackey and Melendez)**

February 13, 2015

An act to amend Section 40302 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 346, as introduced, Wilk. Vehicle infractions and misdemeanors: arrests.

Existing law requires that whenever a person is arrested for a vehicle-related infraction or misdemeanor, he or she be taken immediately before a magistrate if he or she fails to present his or her driver's license or other satisfactory evidence of identity for examination.

This bill would additionally require that the arrested person be taken immediately before a magistrate if he or she fails to present both his or her driver's license or other evidence of identity and an unobstructed view or his or her full face for examination.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40302 of the Vehicle Code is amended
- 2 to read:
- 3 40302. Whenever any person is arrested for any violation of
- 4 this code, not declared to be a felony, the arrested person shall be

- 1 taken without unnecessary delay before a magistrate within the
2 county in which the offense charged is alleged to have been
3 committed and who has jurisdiction of the offense and is nearest
4 or most accessible with reference to the place where the arrest is
5 made in any of the following cases:
- 6 (a) When the person arrested fails to present *both* his *or her*
7 driver's license or other satisfactory evidence of his *or her* identity
8 *and an unobstructed view or his or her full face* for examination.
- 9 (b) When the person arrested refuses to give his *or her* written
10 promise to appear in court.
- 11 (c) When the person arrested demands an immediate appearance
12 before a magistrate.
- 13 (d) When the person arrested is charged with violating Section
14 23152.